

Message Text

CONFIDENTIAL

PAGE 01 SANTIA 07572 132242Z
ACTION ARA-14

INFO OCT-01 ISO-00 OMB-01 /016 W
-----082899 140454Z /20
R 132207Z SEP 77
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 6481

C O N F I D E N T I A L SANTIAGO 7572

EO 11652: GDS
TAGS: PINT, PGOV, SHUM, CI
SUBJ: CHILEAN JUNTA LOWERS STATE OF SIEGE TO LOWEST LEVEL

REF: SANTIAGO 7475

1. SUMMARY: IN SPITE OF THE IMPRESSION LEFT BY PRESIDENT PINOCHET IN HIS SEPTEMBER 11 SPEECH THAT THE STATE OF SIEGE WOULD CONTINUE UNCHANGED FOR THE TIME BEING, THE GOC IN FACT REDUCED THE LEVEL OF THE STATE OF SIEGE. THIS UNHERALDED MEASURE MAY PRECLUDE MILITARY TRIALS WHICH ARE NOT APPEALABLE TO THE CIVILIAN SUPREME COURT. THE GOC ALSO WORDDED THE EXTENSIONS OF EMERGENCY POWER TO LEAVE OPEN THE POSSIBILITY OF DROPPING TO A NEW, AND LESSER, EMERGENCY CONDITION ON A MOMENTS NOTICE--PROBABLY SOMETIME IN DECEMBER. END SUMMARY.

2. THE OFFICIAL GAZETTE OF SEPTEMBER 10 PUBLISHED DECREE LAW (DL) 1889 CONTINUING THE STATE OF SIEGE--BUT AT THE LOWEST OF THE FOURTCURRENT LEVELS. UNLIKE PREVIOUS DL'S, THIS ONE DID NOT SPECIFICALLY EXTEND THE STATE OF SIEGE FOR SIX MONTHS. ANOTHER DECREE PUBLISHED THE SAME DAY EXTENDED THE DESIGNATION OF EMERGENCY ZONE COMMANDERS FOR SIX MONTHS.

3. A GOC OFFICIAL KNOWLEDGEABLE IN SUCH MATTERS SPECULATED THAT THE PRACTICAL EFFECT OF LOWERING THE STATE OF SIEGE FROM THE LEVEL OF "INTERNAL SECURITY" (WHERE IT HAD BEEN
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 SANTIA 07572 132242Z

SINCE SEPTEMBER 1975) TO THE LEVEL OF "SIMPLE INTERNAL COMMOTION" WAS TO PRECLUDE MILITARY TRIALS UNDER "TIME OF WAR" CONDITIONS. TRIALS UNDER "TIME OF WAR" CONDITIONS MAY ONLY BE APPEALED UP THE MILITARY CHAIN OF COMMAND. SEVERAL ACCUSED SUBVERSIVES DETAINED RECENTLY ARE BEING TRIED UNDER THESE PROCEDURES. MILITARY TRIALS UNDER "TIME OF PEACE" RULES PROVIDE FOR APPEAL TO A MIXED MILITARY-CIVILIAN COURT AND

FROM THERE TO THE ENTIRELY CIVILIAN SUPREME COURT.

4. BY NOT SPELLING OUT A SIX-MONTH EXTENSION OF THE STATE OF SIEGE, THE GOC LEFT OPEN THE POSSIBILITY OF ADOPTING A NEW EMERGENCY CATEGORY "STATE OF DEFENSE AGAINST SUBVERSION" ENVISIONED BY A CONSTITUTIONAL ACT ANNOUNCED A YEAR AGO. THIS ACT WILL COME INTO EFFECT ONLY AFTER A COMPLEMENTARY LAW HAS BEEN PROMULGATED WHICH CAN BE DONE AT ANY TIME (WE ERRONEOUSLY REPORTED IN SANTIAGO 2022 THAT THE GOC HAD A MID-SEPTEMBER DEADLINE FOR PRODUCING THIS COMPLEMENTARY LAW). PRESUMABLY THE GOC WOULD RETAIN CERTAIN EXISTING EMERGENCY POWERS UNDER THE "STATE OF DEFENSE AGAINST SUBVERSION"--IN-CLUDING EMERGENCY ZONE COMMANDERS WHOSE DESIGNATION WAS CONTINUED FOR THE FULL SIX MONTH PERIOD PROVIDED BY THE LAW.

5. IT IS NOW EXPECTED THAT THE GOC WILL CONTINUE THIS REGIMEN UNTIL DECEMBER. A HUMAN RIGHTS ACTIVIST TOLD AN EMBOFF SEPTEMBER 13 THAT A GOC OFFICIAL HAD MENTIONED THE PRE-CHRISTMAS PERIOD AS MOST LIKELY, SENSITIVE EMBASSY SOURCES ALSO CITED THE DECEMBER PERIOD.

6. COMMENT: NOTWITHSTANDING PINOCHET'S DESIRE NOT TO APPEAR TO BE BENDING TO EXTERNAL PRESSURE, HE MAY HAVE ENHANCED "DUE PROCESS", HOWEVER SLIGHTLY, BY THIS MEASURE. WE ARE SURPRISED THAT NO ONE ELSE HERE HAS PICKED I TUP.
NELSON
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 SANTIA 07572 132242Z

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: JUNTA, MARTIAL LAW, POLITICAL CONCESSIONS
Control Number: n/a
Copy: SINGLE
Sent Date: 13-Sep-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977SANTIA07572
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D770332-0873
Format: TEL
From: SANTIAGO
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770969/aaaacgho.tel
Line Count: 94
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: d9cb7f47-c288-dd11-92da-001cc4696bcc
Office: ACTION ARA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 77 SANTIAGO 7475
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 29-Dec-2004 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1290911
Secure: OPEN
Status: NATIVE
Subject: CHILEAN JUNTA LOWERS STATE OF SIEGE TO LOWEST LEVEL
TAGS: PINT, PGOV, SHUM, CI
To: STATE
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/d9cb7f47-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009